

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 35-36 and 62, drawn to methods for stimulating T-cells using polypeptides encoded by SEQ ID NO: 110, are currently under examination in this application. By the above amendment, claims 35 and 62 have been amended for purposes of clarity and to advance prosecution of the subject application. Claims 63-65 are newly added in order to independently claim element (c) of original claim 35, which element has been removed from claim 35 by the above amendment. Support for the above amendments can be found throughout the specification and claims as originally filed. Support for new claim 63 may be found, for example, in original claim 35, and elsewhere throughout the specification as originally filed. Support for the phrase “pulsed with” in claim 63 can be found, e.g., at page 111, lines 23-26. The above amendments should not to be construed as acquiescence with regard to the Examiner’s rejections, and are made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 35-36 and 62 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, the claims are confusing because SEQ ID NO: 110 is a polynucleotide, while the claims refer to a polypeptide. The Examiner also asserts that claim 62, by reciting, for example, “amino acid residues 106-553 of the polypeptide encoded by SEQ ID NO: 110” is confusing because “even if it is assumed that the polypeptide is encoded by SEQ ID NO: 110, it is still unclear which residues correspond to the SEQ ID NO of the polynucleotide.” The Examiner concludes that the claims should be amended “so that either the SEQ ID NO: is a polypeptide, or instead of claiming amino acid residues of a polynucleotide, which is confusing, Applicant should claim nucleotide bases instead of amino acid residues.”

Applicants respectfully traverse this rejection. The specification as originally filed clearly discloses that the polynucleotide of SEQ ID NO: 110 encodes the polypeptide sequence set forth in SEQ ID NO: 113 (e.g., page 125, lines 23-26). In view of this disclosure alone, Applicants submit that the metes and bounds of claims 35-35 and 62 are clear and

unambiguous to the artisan of ordinary skill in the art. For example, claim 35, by referring to use of a fragment of an amino acid sequence encoded by SEQ ID NO: 110, would be understood to mean a fragment of an amino acid sequence of SEQ ID NO: 113, which is the amino acid sequenced disclosed by the instant specification as being encoded by SEQ ID NO: 110. Moreover, with regard to claim 62, the recitation of certain fragments corresponding to specific amino acid residues of the polypeptide encoded by SEQ ID NO: 110, e.g., amino acid residues 106-553 of the polypeptide encoded by SEQ ID NO: 110, as set forth in claim 62(a) is similarly clear and definite. As SEQ ID NO: 113 is clearly disclosed as the polypeptide sequence encoded by SEQ ID NO: 110, the skilled individual would understand that amino acid residues 106-553 of the polypeptide encoded by SEQ ID NO: 110 correspond to amino acid residues 106-553 of the 113. Nevertheless, in order to advance prosecution of this application, Applicants have amended claims 35 and 62 for purposes of clarity and as suggested by the Examiner to recite use of polypeptides of SEQ ID NO: 113, rather than polypeptides encoded by SEQ ID NO: 110.

Reconsideration of the Examiner's rejection is respectfully requested.

Double Patenting Rejection

Claims 35-36 and 62 stand rejected under the judicially created doctrine of double patenting over claims 1-14 of U.S. Patent No. 6,261,562. Without acquiescing to the basis for this rejection, Applicants submit herewith a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating the rejections.

In addition, claims 35-36 and 62 stand rejected under the judicially created doctrine of double patenting over claim 3 of U.S. Patent No. 6,262,245. Applicants respectfully submit that the subject matter issued in U.S. Patent No. 6,262,245 relates to a polynucleotide of SEQ ID NO: 110. Applicants further submit the subject matter of element (b) of claim 35, directed to a polynucleotide of SEQ ID NO: 110, is no longer claimed by Applicants, without prejudice to prosecution of such subject matter in a related application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

All of the claims under consideration are believed to be in condition for allowance. Favorable reconsideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at (206) 694-4885 with any questions, comments and/or suggestions relating to this matter.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

Respectfully submitted,

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Enclosure:

Postcard

Terminal Disclaimer

Statement Under 37 CFR 3.73(b)

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 35 and 62 have been amended, as follows:

35. (Twice Amended) A method for stimulating and/or expanding T cells specific for a prostate-specific protein, comprising contacting T cells with ~~at least one component selected from the group consisting of:~~

(a) — a polypeptide comprising at least a 9 amino acid fragment of the amino acid sequence of ~~encoded~~ SEQ ID NO: ~~440113~~, wherein said fragment contains an amino acid sequence capable of stimulating a human T-cell response;

(b) — ~~a polynucleotides encoding a polypeptide of (a); and~~

(c) — ~~an antigen presenting cells that expresses a polypeptide of (a);~~

under conditions and for a time sufficient to permit the stimulation and/or expansion of T cells.

62. (Amended) The method according to claim 35, wherein said fragment that contains an amino acid sequence capable of stimulating a human T-cell response is selected from the group consisting of:

(a) amino acid residues 106-553 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~;

(b) amino acid residues 136-547 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~;

(c) amino acid residues 351-547 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~;

(d) amino acid residues 351-472 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~;

(e) amino acid residues 370-379 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~; and

(f) amino acid residues 376-384 of ~~the polypeptide encoded by~~ SEQ ID NO: ~~440113~~.

New claims 63-65 have been added, as follows:

63. (New) A method for stimulating and/or expanding T cells specific for a prostate-specific protein, comprising contacting T cells with at least one antigen presenting cell that expresses or is pulsed with a polypeptide comprising at least a 9 amino acid fragment of the amino acid sequence of SEQ ID NO: 113, wherein said fragment contains an amino acid sequence capable of stimulating a human T-cell response, under conditions and for a time sufficient to permit the stimulation and/or expansion of T cells.

64. (New) An isolated T cell population, comprising T cells prepared according to the method of claim 63.

65. (New) The method according to claim 63, wherein said fragment that contains an amino acid sequence capable of stimulating a human T-cell response is selected from the group consisting of:

- (a) amino acid residues 106-553 of SEQ ID NO: 113;
- (b) amino acid residues 136-547 of SEQ ID NO: 113;
- (c) amino acid residues 351-547 of SEQ ID NO: 113;
- (d) amino acid residues 351-472 of SEQ ID NO: 113;
- (e) amino acid residues 370-379 of SEQ ID NO: 113; and
- (f) amino acid residues 376-384 of SEQ ID NO: 113.